

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF THE DIRECTOR**

**EMERGENCY ADOPTION OF REGULATIONS CONCERNING THE
IMPOSITION OF A QUARANTINE ON CHANNIDAE,
GENERA PARACHANNA, AND CHANNA FISH SPECIES,
IN THE STATE OF RHODE ISLAND**

Pursuant to the authority vested in the RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT by Rhode Island General Laws (RIGL), 4-18-9, 4-19-13, 20-1-2, 20-1-4, 20-1-5, 20-1-8, 20-17-9, and, 42-17.1, I, JAN H. REITSMA, in my capacity as Director of the Department of Environmental Management, hereby provide notice to the Department of the Secretary of State that pursuant to RIGL 42-35-3(b) and 42-35-4(b)(2), I find that an imminent peril exists to the aquatic ecosystem, general environment, and public welfare, which requires the adoption of the attached rules and regulations prior to the opportunity for public comment and the notice of promulgation. Specifically I find that without the adoption of the attached regulations, the aquatic ecosystem, general environment, and public welfare would be jeopardized by potential exposure to the non-indigenous, fish species, collectively known as “Snakehead Fish” (*Family Channidae, Genera Parachanna, Genera Channa*).

In accordance with the requirements of the Administrative Procedures Act, RIGL Chapter 42-35, I find that imminent peril as defined by RIGL 42-35-3(b) and 42-35-4(b)(2), exists which mandates the adoption of the attached regulations which will prohibit the importation, transfer, release, cultivation, and/or disposal of any the enumerated “Snakehead Fish” species into and within the State of Rhode Island, or the release into the wild of any captive, cultivated, or wild fish of these enumerated species. The accompanying regulations prohibit said importation, transfer, release, cultivation, and /or disposal until further notice, and consistent with the provisions of RIGL 20-1-16, a penalty of up to five hundred dollars (\$500.) and/or imprisonment not exceeding ninety (90) days per violation of the regulations, may be imposed in the discretion of a court of competent jurisdiction.

WHEREFORE, pursuant to the authority vested in the Rhode Island Department of Environmental Management, by RIGL 42-17.1-2, and 42-17.1-4, I, Jan H. Reitsma, in my capacity as the director of the Department of Environmental Management, hereby adopt as emergency regulatory action, amendments to the regulations entitled “Rules and Regulations Governing Wild Animal Importation and Possession”, which are attached hereto and designated as Attachment I.

On the basis of the above, in my capacity as Director of the Department of Environmental Management, (“the Director”), I also find that an imminent threat to the aquatic ecosystem, general environment, and public welfare exists which requires that the attached regulations become effective immediately upon filing with the Office of the Secretary of State, in less than twenty (20) days which is typically prescribed by R. I. Gen. Laws 42-35-3(b). I find that such action is required in order to avoid the imminent peril to the aquatic ecosystem, general environment, and public welfare, which is presented by the continuing importation, transfer, release, cultivation, and/or disposal of the enumerated species of “Snakehead Fish”, and fish products into and within, the State of Rhode Island.

WHEREFORE, in order to protect the aquatic ecosystem, general environment, and public welfare, I find that the attached regulations shall become effective immediately upon filing with the Office of the Secretary of State.

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

JAN H. REITSMA, DIRECTOR

DATED:_____

ATTACHMENT I

REGULATIONS CONCERNING THE IMPOSITION OF A QUARANTINE ON FAMILY CHANNIDAE, GENERA PARACHANNA, AND CHANNA FISH SPECIES IN THE STATE OF RHODE ISLAND

Section 1, **Purpose**

The purpose of these rules and regulations is to prevent the introduction of the above referenced non-indigenous fish species into the aquatic habitat and ecosystem of the State of Rhode Island, by quarantine.

Section 2, **Authority**

These rules and regulations are promulgated pursuant to R. I. Gen. Laws 4-18-9, 4-19-13, 20-1-2, 20-1-4, 20-1-5, 20-1-8, 20-17-9, and 42-17.1, et seq., in accordance with R. I. Gen. Laws 42-35, the Administrative Procedures Act.

Section 3, **Administrative Findings**

These rules and regulations are required to ensure the integrity of the aquatic ecosystem, the general environment, and the public welfare, by imposing a quarantine which prohibits the importation, transfer, release, cultivation, and/or disposal of the *Family Channadae*, *Genera Parachanna*, and *Genera Channa* fish species into and within the State of Rhode Island.

Section 4, **Application**

The terms and provisions of these rules and regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.

Section 5, **Severability**

If any provision of these rules and regulations, or application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the rules and regulations shall not be affected thereby.

Section 6, **Superceded Rules and Regulations**

On the effective date of these rules and regulations, any previous rules, regulations, and policies regarding administration of management areas within the authority of the Department shall be superseded. Specifically, the Division of Agriculture's "Rules and Regulations Governing Wild Animal Importation and Possession " are amended by addition of the instant quarantine.

Section 7, **Definition of Terms**

"Department" shall mean the Department of Environmental Management.

"Director" shall mean the Director of the Department of Environmental Management.

“Family Channidae, Genera Parachanna, and Channa”, shall mean any fish which are members of those species collectively known as “Snakehead Fish” including but not limited to any of the twenty nine (29) species of snakehead fish currently under consideration for control and/or quarantine by the United States Department of the Interior, Division of Fish and Wildlife.

“Person” shall mean any individual, firm, association, organization, business trust, corporation, society, association, partnership, company, entity, private, or public body.

“Quarantine” shall mean confined for the purposes of isolation and prohibition of importation, transfer, release, cultivation, and/or disposal.

Section 8, Quarantine of Family Channidae, Genera Parachanna, and Channa

Notwithstanding any other provisions promulgated by the Department governing the importation or release of wild, captive, cultivated, or domestic native fish and wildlife: no person shall import, transfer, release, cultivate, and/or dispose of any wild, captive, cultivated, or domestic fish of the species Family Channidae, Genera Parachanna, or Channa, collectively known as “Snakehead Fish”, until further notice.

Section 9, Persons Authorized To Enforce These Rules and Regulations

Any employee of the Department’s Division of Law Enforcement, Division of Forest Environment, Division of Parks and Recreation, Division of Agriculture, and Division of Fish and Wildlife, are hereby commissioned by the Director pursuant to R. I. Gen. Laws 42-17.1-2, to enforce these rules and regulations.

Section 10, Penalties

Any person who violates any section of these rules and regulations shall be punished by a fine of up to five hundred dollars (\$500.), and/or imprisonment not to exceed ninety (90) days, upon conviction by a court of competent jurisdiction.

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

JAN H. REITSMA, DIRECTOR

DATED:_____